

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BERNHARDT TIEDE, II;
TEXAS PRISONS COMMUNITY
ADVOCATES;
BUILD UP, INC., A/K/A JUSTICE
IMPACTED WOMEN’S ALLIANCE;
TEXAS CITIZENS UNITED FOR
REHABILITATION OF ERRANTS; and
COALITION FOR TEXANS WITH
DISABILITIES,

Plaintiffs,

v.

BRYAN COLLIER, in his official capacity as
Executive Director of Texas Department of
Criminal Justice,

Defendant.

Civil Action No.: 1:23-cv-01004-RP

**[PROPOSED] ORDER GRANTING PLAINTIFFS’ EMERGENCY
MOTION FOR PRELIMINARY INJUNCTION**

On this day, the Court considered Plaintiffs’ Emergency Motion for Preliminary Injunction. Upon consideration of the Motion, responsive briefing, the evidence, and the arguments of the parties, the Court is of the opinion that preliminary relief should be granted at this time. Plaintiffs have demonstrated a substantial likelihood of success on the merits of the Eighth Amendment claim by showing that prolonged exposure to extreme faced by inmates in the TDCJ units pose an ongoing substantial risk of serious harm to the inmates and Defendant is deliberately indifferent to that risk. Moreover, Plaintiffs have demonstrated that Defendant’s current and ongoing conduct violates contemporary standards of decency. Plaintiffs have clearly demonstrated that if this Court denied relief, Plaintiffs and their members and constituents housed in TDCJ’s uncooled units would face a substantial threat of irreparable injury, damages for which there is no adequate

remedy at law. Plaintiffs have also shown that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted. After considering the burden on Defendant of providing safe indoor temperatures where TDCJ houses inmates to avoid excessive heat, the Court finds that the balance of equities weighs heavily in favor of the Plaintiffs.

The Court concludes that this injunction will not disserve the public interest, as it will prevent constitutional deprivations. The Court further concludes that this injunction is narrowly drawn, extends no further than necessary, and is the least intrusive means to correct the harm compelling this preliminary relief. Accordingly, IT IS HEREBY ORDERED THAT:

1. Defendant Bryan Collier, in his capacity as Executive Director of TDCJ, must ensure that TDCJ maintains a safe indoor temperature between 65 degrees to 85 degrees Fahrenheit in the housing areas and occupied areas of any facility where inmates are assigned within 14 days from the date of this Order; and
2. Plaintiffs are not required to post bond.

IT IS SO ORDERED.

SIGNED in Austin, Texas on this _____ day of _____, 2024.

UNITED STATES DISTRICT JUDGE